

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION

In re:
Michael Eric Gordon
Debtor(s)

Chapter 13
Case No. 24-11525 NWW

TRUSTEE'S MOTION TO DISMISS AND NOTICE OF HEARING

NOTICE OF HEARING

Notice is hereby given that:

A hearing will be held on the Motion to Dismiss on 03/20/2025, at 9:00 a.m. in Courtroom A, located at Historic U.S. Courthouse, 31 East 11th Street, Chattanooga, TN 37402.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Comes Kara L. West, Trustee, pursuant to 11 U.S.C. § 1307(c), and moves that this case be dismissed. The Trustee would respectfully show that the Debtor is in material default with respect to the terms of the confirmed plan because plan payments to the Trustee have not been made as proposed. The Trustee's records indicate the following.

The plan requires a payment of \$2,672.00 monthly. The plan requires the Debtor to make payments directly.

To date, regular payments have not resumed. As of February 21, 2025, the Debtor's plan payments from September 2024 to February 2025 are in arrears \$8,016.00. Based on the Trustee's analysis, the cause of the payment problem is that

The Debtor is deceased.

The Debtor's confirmed plan requires the Trustee to make continuing disbursements toward a mortgage.

The missed payments in this case constitute a material default with respect to the terms of the confirmed plan. Accordingly, the Trustee moves for the Court to dismiss this case.

Respectfully submitted,

By: s/ Kara L. West
Kara L. West (TN No. 25744)
Chapter 13 Standing Trustee
P.O. Box 511
Chattanooga, TN 37401
(423) 265-2261

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2025, a copy of the Trustee's Motion to Dismiss and Notice of Hearing was served on those listed below as indicated:

Via electronic case noticing:

Richard L Banks & Associates – ECF
US Trustee – ECF
Bankruptcy Court – ECF

Via U.S. First Class mail, postage prepaid, to the following entities at the addresses listed:

Michael Eric Gordon
126 Lauren Way Se
Cleveland, TN 37323

s/ Kara L. West w/permission by KNJ (55)
Chapter 13 Trustee
P.O. Box 511
Chattanooga, TN 37401-0511
(423) 265-2261